

This listing of claims will replace all prior versions, and listings, of claims in the application:

**LISTING OF CLAIMS:**

Claim 1-25 (Previously canceled).

Claim 26 (Canceled).

Claim 27-28 (Previously canceled)

Claim 29-47 (Canceled).

Claim 48 (Previously amended): A tool assembly for use with a surgical stapler comprising:

an anvil;

a cartridge assembly having at least one staple, the cartridge assembly being movable in relation to the anvil between spaced and approximated positions;

a clamp member positioned adjacent a proximal end of the tool assembly, the clamp member being movable from a retracted position to an advanced position and being configured to maintain a proximal end of the anvil and cartridge assembly in the approximated position when the clamp member is in the advanced position; and

a dynamic clamping member positioned within the tool assembly and movable from a retracted position through the tool assembly to an advanced position to eject staples from the cartridge assembly, the dynamic clamping member including an upper flange portion engaging a surface of the anvil and a lower flange portion engaging a surface of the cartridge assembly, at least one of the upper and lower flange portions having an arcuate cross-section along an axis

transverse to a longitudinal axis of the cartridge assembly to define an arcuate surface positioned to engage at least one of the surface of the anvil and the surface of the cartridge assembly, the dynamic clamping member being configured to define a maximum tissue gap between the anvil and the cartridge assembly during ejection of staples from the cartridge assembly.

Claim 49 (Previously presented): A tool assembly according to Claim 48, further including a knife blade associated with the dynamic clamping member.

Claim 50 (Previously presented): A tool assembly according to Claim 49, wherein the knife blade is formed on a central body portion of the dynamic clamping member.

Claim 51 (Previously presented): A tool assembly according to Claim 50, wherein the cartridge assembly includes a sled and at least one pusher associated with each of the at least one staple, the sled being driven by the dynamic clamping member into engagement with each pusher to advance each pusher and eject the staple from the cartridge assembly.

Claim 52 (Previously presented): A tool assembly according to Claim 51, wherein the cartridge assembly includes a plurality of staples and pushers.

Claim 53 (Previously presented): A tool assembly according to Claim 52, wherein the upper flange and lower flange are substantially vertically aligned.

Claim 54 (Previously presented): A tool assembly according to Claim 53, wherein the knife blade is disposed on the central body portion between the upper and lower flanges.